



UNITED STATES BANKRUPTCY COURT

SOUTHERN DISTRICT OF NEW YORK

In Re: Residential Capital, LLC, et. al,

Debtors

Case No. 12-12020(MG)

Chapter 11

JOINTLY ADMINISTERED

**WRITTEN RESPONSE
TO DEBTOR'S FORTY-NINTH OMNIBUS OBJECTION
TO CLAIMS – DISALLOWANCE/EXPUNGEMENT BASED ON BOOKS AND RECORDS**

My name is RAMONA M. ROBERTS. I am opposing the disallowance and or expungement of my claim #1948 filed on 10/29/12 for \$245,848.00. GMAC originally held themselves out as Service Providers for USAA. However, as time passed GMAC became my Mortgage Holder, and ultimately without notice purchased my Mortgage from USAA. I never received notice of a valid foreclosure sale of my home. In fact, GMAC is listed as the Owner of my mortgage/property .

March 21, 2009 – I mailed my complete packet to Loss Mitigation (GMAC) TO HAVE MY ACCOUNT REFINANCE OR MODIFICATION. My packet was received by Mark Ridley on March 23, 2009.

On August 10, 2009 – Atty Schneiderman & Sherman sent me a Notice that my Mortgage Loan was in Default. That the Creditor/Service was GMAC MORTGAGE, LLC.

August 24, 2009 – Mediation Hearing Request successfully submitted

On September 11, 2009 – Atty Schneiderman & Sherman sent collection notice for their client GMAC MORTGAGE, LLC, in the amount of \$140,621.07

On September 13, 2009 a Notice of Foreclosure Sell was tacked on my door, showing that the Foreclosure was to take place on October 14, 2009, with a six (6)

month redemption period. Six months would have been **April 14, 2010**. That all of GMAC documents list ownership transferring to GMAC Mortgage LLC, on March 8, 2010. This was in violation of the Foreclosure laws of the State of Michigan AND Federal Laws. Property was not abandoned because I was still in the process of attempting to sell my home, and I was staying in it.

September 23, 2009 – I sent a letter to Mary Kish of GMAC and Atty. Schneiderman & Sherman requesting date for Mediation Hearing.

October 1, 2009 - Received notice of Mediation Hearing scheduled Re: GMAC MORTGAGE, LLC. For October 20, 2009.

November 2, 2009 – Chase Bank Credit Bureau Monitoring Report – List that on 10/27/09 USAA reported a Deed in Lieu of Foreclosure for my home in the amount of \$140,779.

November 23, 2009 – I sent to GMAC LOSS MITIGATION Attn: Linda Geertis a complete packet for Loan Modification.

February 1, 2010 – Letter from Attys. Schneiderman & Sherman for their client GMAC MORTGAGE, LLC notice of intent to proceed with Foreclosure Proceedings.

Please note that I had originally listed my claim as a Priority creditor, which was subsequently changed to a General Unsecured Creditor. I had listed my claim as a Priority Creditor because a document I had received from GMAC listed my property as an **ASSET**. On March 15, 2010 – Chase Bank Credit Bureau Monitoring Report – List the status of my Mortgage as Foreclosure, and that **GMAC had become the owner of my property on March 3, 2010 (Exhibit A)**. This was in violation of the Foreclosure Laws because the notice clearly states that the redemption period was for 6 months, and this foreclosure occurred thirty days early. The **FORECLOSURE SALE** was to take place on October 14, 2009 (Exhibit B), which would have given me a 6 month redemption, ending on April 14, 2010.

On October 8, 2013, I called the Independent Review – Rust Consulting. They advised that I was listed and eligible to receive payment under Reference **#1000369487**, because GMAC had reached an Agreement with Federal Reserve Board on July 13, 2013. Again, I am perplexed as to why GMAC is saying that they

have no Liability as to my Foreclosure, according to their Books and Records. **(Exhibit C).** Again, I was advised that my claim appears in GMAC BOOKS AND RECORDS under Reference #1000369487, which I have included as Exhibit E1&2.

FRAUD AND GROSS MISREPRESENTATIONS

That GMAC and USAA committed numerous acts of Fraud, by leading me to believe that they were assisting me in obtaining a loan Modification, GMAC had me pay Fees so that my property would not be foreclosed on, and also that they were willing to approve a Short Sale of my property, if I kept the property up. That GMAC made numerous false promises, which were material false representations that I relied on to my detriment. That my Credit score rating has been eroded causing irreparable harm.

LOAN MODIFICATION

That GMAC offered to help me obtain a Loan Modification and Short Sale while originally concealing that they were not the rightful owners and or holders of my Mortgage note from USAA. GMAC had a vested interest in offering me a Loan Modification because they could make a profit from the cover-up in the industry, which was part of an ongoing scheme to create an environment where they could commit additional acts of Fraud and Conversion; while at the same time demanding payments (unrecorded) from me under the pretense of the payments acting as a vehicle to Loan Modification.

That GMAC if they did not hold my Mortgage, and had no authority to offer me a Loan Modification, owed me the duty to disclose this fact to me.

My timeline will show how GMAC would constantly claim that documents to secure my Loan Modification had been Lost, Never Received, or were Outdated; necessitating the re-submission of documents on several occasions.

Believing that GMAC was going to grant me a Loan Modification, each time I had to resubmit my documentation, which would cause my mortgage payments to become delinquent.

WRONGFUL AND NEGLIGENT MISREPRESENTATIONS

GMAC was unjustly enriched at my expense by the taking of my money under false pretenses, and by ultimately Foreclosing on my home without legal authority to do so.

That **GMAC BOOKS AND RECORDS** are based on deceit and false representations. That GMAC continues to perpetrate a Fraud on this honorable court by asking this court to depend on **their Faulty, Deceptive, and Bogus BOOKS AND RECORDS**. GMAC Books and Records are unreliable based on a) Robo Signing practices, b) Mistreatment of clients, c) False promises to the public the collapse of the housing market d) Denied me access to the Home Affordable Modification Program.

GMAC FURTHER victimized me by conducting a **Dual Track Foreclosure** process, wherein GMAC lead me to believe that I was working on a Loan Modification and or Short Sale, and at the same time, they were reporting and/or seeking a Foreclosure on my property.

No one at GMAC was familiar with my Mortgage, and I had to constantly deal with different workers. GMAC collected fees under the pretense of Staying the Foreclosure.

CONTINUED FRAUDULENT BEHAVIOR

GMAC continues its fraudulent behavior by:

- a. Filing Bogus and Unwarranted Motions for Disallowance of valid claims.
- b. Stringing me as a Creditor along for years up to this Motion.
- c. Having Creditors Vote based on Classifications, then asking that those Creditors who responded be Dismissed or Expunged.
- d. Filing in Bad Faith based on Bogus, Altered, or Misleading Books and Records.
- e. That GMAC is not acting with Clean Hands.

f. GMAC does not validate its Motion for Disallowance/Expungement. I have filed and provided all documentation to validate my claim. Original Proof of Claim and Documentation on March 21, 2009, with 95 supporting documents.

GRANTING OF CHAPTER 11 FILING

That this Honorable Court found that Ally, GMAC, and ResCap settlement offer to Creditors was fair. That Prior to filing this Chapter 11, Ally, GMAC, and ResCap agreed to settle criminal and civil claims in Michigan (where my property is located) and 48 other States and numerous Federal Departments and Agencies. Part of that settlement was that GMAC would cease their deceptive practices. Yet this Motion is a clear continuous of their extreme and outrageous behavior.

VIOLATIONS OF UNFAIR AND DECEPTIVE TRADE PRACTICE ACT

GMAC has engaged in Trade or Commerce within the meaning of Federal and Michigan Unfair Trade and Practices Act. GMAC conduct was deceptive because it provided material misrepresentations regarding my loan which was supported by Fraudulent Certifications and Affidavits that were likely to misled the courts. GMAC provided courts with False Certifications of ownership of my Mortgage, when in fact, they were the Service Provider for USAA. Once GMAC presented this fraudulent documentation, they should be held to being the holder of the Mortgage Note. **(Exhibit C)**.

That GMAC engaged in wrongful practices in connection with any Affidavit relating to my property since 2008, e.g. GMAC BOOKS AND RECORDS. On or about January 31, 2013, I received notice from USAA that "Your GMAC MORTGAGE ACCOUNT will no longer be available on usaa.com....**(Exhibit D)**

On October 8, 2013, I spoke with GMAC's INDEPENDENT CONSULTANTS – Rust Consultants, who advised that my account **Reference #1000369487** was listed in **GMAC's BOOKS & RECORDS**, and that I was to receive a Settlement amount before the end of the year. **(Exhibit E1 & E2)**

RELIEF PRAYED FOR
OBJECTION AND DISMISSAL OF GMAC STATEMENT THAT
THEY SHOW NO REFLECTION OF MY ACCOUNT IN THEIR BOOKS AND RECORDS

GMAC MOTION should be **DENIED**, because if my case is not reflected in their Books and Records, it is because their Books and Records have **been ALTERED, DESTROYED, OR THEY ARE PERPETRAITING A FRAUD OF THIS HONORABLE COURT**. MY DEBT IS REFLECTED IN THEIR BOOKS AND RECORDS, ACCORDING TO THEIR INDEPENDENT CONSULTANTS ON 10/8/2013. I AM ASKING THAT GMAC PAY ME IN THE AMOUNT OF **\$245,458.00 PLUS INTEREST**, GMAC never gave me any notice of their Foreclosure and I have proof that they Foreclosed one month before they should have. I am also asking for SUCH OTHER AND FURTHER RELIEF AS THIS HONORABLE COURT DEEMS FAIR AND JUST.

SINCERELY,

 10/15/13

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ENCLOSURE(S)

- *Confirmation of Court Appearance**
- *Proof of Claim**
- *My Written Objections to Disallowance/Expungement of Claim**
- *Exhibits**
- *DOCUMENTATION OF PROOF OF CLAIM**
- *TIME LINE and Supporting Documents TO SUPPORT MY OBJECTION TO DISMISSAL OR EXPUNGEMENT MOTION BY GMAC**
- *THREE QUALIFIED BUYERS FOR THE SELL OF MY PROPERTY**
- * Recent Misc. documents to Support my claim against GMAC**